

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BOARD OF NATURAL RESOURCES

RESOLUTION NO. _____

A **RESOLUTION** to authorize the Department of Natural Resources (Department) to sell three, large diameter, structurally unique trees to the Potlatch Fund in holding for the Makah, Hoh and Quileute Native American Tribes for cultural or spiritual purposes. The sale is for trees located within the boundaries of the Olympic Experimental State Forest (OESF).

BACKGROUND:

The Department has received requests from three Tribes to harvest large trees located within the OESF for ceremonial use. Trees suitable for cultural or spiritual purposes are typically very large diameter, structurally unique western red cedar and Douglas-fir.

The Department is required under the Board of Natural Resources, Policy for Sustainable Forests and under DNR policy *PO 14-008, Old-Growth Stands in Western Washington*, to notify the Board of Natural Resource when a proposed harvest will involve removals of very large diameter, structurally unique trees. This policy is subject to the following conditions:

The Board of Natural Resources will be notified of any exceptions to this policy for operational considerations; and

The department will retain known very large diameter, structurally unique trees to meet DNR's HCP requirements for large, structurally unique trees. The department will notify the Board of Natural Resources of proposed harvest that may involve removals of very large diameter, structurally unique trees.

The *WEC, et al vs. Sutherland, et al Settlement Agreement* (King County Superior Court No. 04-2-26461-8SEA, vacated April 7, 2006) ("WEC Settlement"), prohibits harvest within the OESF in "Old Forest" stands. The Agreement did not address the removal of individual trees for cultural, ceremonial or traditional tribal uses. The parties that entered the *WEC Settlement* ("Settlement Partners") have discussed and verbally agreed to support the harvest of these trees as intended under this proposal.

Support and payment to the trust(s) for the value of the trees will be supplied by the Potlatch Fund. The Potlatch Fund is a non-profit organization that uses philanthropic donors to inspire the native tradition of giving in Northwest Indian Country by promoting economic development, natural resource protection, education, cultural preservation, civic participation, and the overall health of native people and their communities. (www.potlatchfund.org)

BE IT RESOLVED BY THE BOARD OF NATURAL RESOURCES, DEPARTMENT OF NATURAL RESOURCES, STATE OF WASHINGTON, THAT:

SECTION 1. Harvest of these three individual trees, that are large diameter and structurally unique and located within the OESF, for tribal cultural use, is an acceptable practice under the Policy of Sustainable Forests, specifically, the *Policy on Old Growth Stands in Western Washington* and the *Policy on Cultural Resources*.

SECTION 2. The board authorizes the sale of three trees to the Potlatch Fund under the direct sales authority (RCW 79.15.050) and Board of Natural Resources Resolution No. 1229. The appraised value for each tree will be calculated at current market value.

SECTION 3. In the future, requests for individual cultural trees from a federally recognized Tribe will undergo the following process before coming to the Board of Natural Resources:

- The Department will convene a meeting between the requesting Tribe, the USFS and the DNR to discuss opportunities to procure a cultural tree, preferentially from federal lands.
- If there are no feasible opportunities on federal lands to respond to the Tribe's interest for obtaining cultural trees, and if there are areas and trees on lands managed by the Department that could meet the Tribe's interest, then the Tribe will identify and recommend a candidate tree.
- The Department will determine whether conveyance of the identified candidate tree meets the requirements set in the Policy for Sustainable forests for protection of habitat and older forest targets, as well as social/cultural values.
- The Department will discuss the request for a cultural tree with the Settlement Partners if required under the terms of the *WEC* Settlement.
- Conveyance of trees selected for tribal cultural purposes that meet the definitions of old-growth or large diameter, structurally unique trees in the *Policy on Old Growth Stands in Western Washington* will be brought to the Board of Natural Resources for approval.
- The appraised market value for cultural trees conveyed under this resolution must be secured for the respective trust.

APPROVED AND ADOPTED by the Board of Natural Resources, Department of Natural Resources, State of Washington, this _____ day of _____, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Commissioner of Public Lands.

PETER GOLDMARK
Commissioner of Public Lands

Approved as to form, this _____ day of _____, 2009

Assistant Attorney General